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Reporting Category

Category	Subcategory	Situation	Victim/Offender Armed?	Weapon Types	Weapon Other	Weapon Recovered?	Deceased?
05B EXCESSIVE FORCE / ON DUTY - NO INJURY	MISCELLANEOUS	NO ARREST -	-	-	-	-	-
row(s) 1 - 1 of 1							

Log No: 1083164 Type:CR

Accused Members

Review Name	Status	Accused Overall Finding	Recommended Penalty	No. of Days	Date/Time Served	Created Date	Complimentary History
View BURKS JR, MAURICE	CLOSED/FINAL	NOT SUSTAINED	-	-	-	27-NOV-2016	N/A
row(s) 1 - 1 of 1							

Attachments

No.	Type	Related Person	No. of Pages	Narrative	Original in File	Entered By	Entered Date/Time	Status	Approve Content?	Approve Inclusion?
View 1	FACE SHEET	N/A	-	-	-	GOODWIN, JEANNE	NOV-27-2016 13:10	-	-	-
View 2	CONFLICT CERTIFICATION	N/A	-	-	-	HILL, CHANTELE	JAN-03-2017 11:38	-	-	-
View 3	INITIATION REPORT	N/A	2	Log# 1083164- Reported by Sgt. Slavin	YES	BROWN, DANITA	JAN-04-2017 15:14	APPROVED	-	YES
View 4	TRAFFIC CRASH REPORT	N/A	3	RD# HZ-530645	YES	BROWN, DANITA	JAN-04-2017 15:16	APPROVED	-	YES
View 5	OEMC EVENT QUERY	N/A	8	CFD#163320527	YES	BROWN, DANITA	JAN-04-2017 15:16	APPROVED	-	YES
View 6	OEMC EVENT QUERY	N/A	3	CFD#163320529	YES	BROWN, DANITA	JAN-04-2017 15:17	APPROVED	-	YES
View 7	OEMC EVENT QUERY	N/A	3	#1633203871	YES	BROWN, DANITA	JAN-04-2017 15:18	APPROVED	-	YES
View 8	OEMC EVENT QUERY	N/A	3	#1633203872	YES	BROWN, DANITA	JAN-04-2017 15:18	APPROVED	-	YES
View 9	OEMC EVENT QUERY	N/A	3	#1633204063	YES	BROWN, DANITA	JAN-04-2017 15:19	APPROVED	-	YES
View 10	OEMC EVENT QUERY	N/A	7	#1633203866	YES	BROWN, DANITA	JAN-04-2017 15:19	APPROVED	-	YES
View 11	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	[REDACTED]	YES	BROWN, DANITA	JAN-04-2017 15:20	APPROVED	-	YES
View 12	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	[REDACTED]	YES	HILL, CHANTELE	DEC-20-2017 16:36	APPROVED	-	YES
View 13	AUDIO INTERVIEW	N/A	1	Complainant, Battalion Chief T. [REDACTED]	YES	HILL, CHANTELE	JAN-03-2017 13:07	APPROVED	-	YES
View 14	TO/FROM REPORT	N/A	2	Outline of digital recording for complainant, Chief [REDACTED]	YES	BROWN, DANITA	JAN-04-2017 15:23	APPROVED	-	YES
View 15	REPORT (OTHER)	N/A	2	Citrix Report# 1044763579	-	BROWN, DANITA	JAN-04-2017 15:24	APPROVED	-	YES
View 16	GPS DATA	N/A	4	LOC: 519 E. Illinois St.	-	BROWN, DANITA	JAN-04-2017 15:25	APPROVED	-	YES
17	REPORT (OTHER)	N/A	2	Results/request for	-	BROWN,	JAN-04-	APPROVED	-	YES

View				digitally record data		DANITA	2017 15:26				
View	18	PHOTO IDENTIFICATION	N/A	2	██████ E. ██████	-	BROWN, DANITA	JAN-04- 2017 15:27	APPROVED	-	YES
View	19	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	████████	-	BROWN, DANITA	JAN-04- 2017 15:28	APPROVED	-	YES
View	20	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	████████	-	BROWN, DANITA	JAN-04- 2017 15:28	APPROVED	-	YES
View	21	AUDIO INTERVIEW	N/A	1	Witness, Statement of ████████	YES	HILL, CHANTELLE	JAN-03- 2017 12:39	APPROVED	-	YES
View	22	TO/FROM REPORT	N/A	2	Outline of digital recording for witness, ██████	-	BROWN, DANITA	MAR-10- 2017 11:14	APPROVED	-	YES
View	23	REPORT (OTHER)	N/A	2	Request for digitally recorded data w/results	-	BROWN, DANITA	MAR-10- 2017 11:16	APPROVED	-	YES
View	24	TO/FROM REPORT	N/A	1	Summary of ICC- PO Mark Mirabelli #14191; PO Parrish Sevier #18967 and PO Joseph Pentimone #6054	YES	BROWN, DANITA	MAR-10- 2017 11:18	APPROVED	-	YES
View	25	SWORN AFFIDAVIT FROM COMPLAINANT	N/A	1	████████	-	BROWN, DANITA	MAR-10- 2017 11:19	APPROVED	-	YES
View	26	CONSENT FOR AUDIO RECORDED INTERVIEW	N/A	1	████████	-	BROWN, DANITA	MAR-10- 2017 11:20	APPROVED	-	YES
View	27	AUDIO INTERVIEW	N/A	1	Audio Statement of CFD Paramedic, ██████	YES	HILL, CHANTELLE	MAR-10- 2017 11:55	APPROVED	-	YES
View	28	REPORT (OTHER)	N/A	4	CFD Incident Case Report Re: incident	YES	BROWN, DANITA	MAR-10- 2017 11:21	APPROVED	-	YES
View	29	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	1	REQUEST FOR AUDIO OF 911 CALLS; CPD RADIO TRANSMISSIONS	YES	BROWN, DANITA	MAR-10- 2017 11:22	APPROVED	-	YES
View	30	OEMC EVENT QUERY	N/A	9	OEMC Response for requested Audio/CPD Transmissions	YES	HILL, CHANTELLE	DEC-07- 2017 12:04	APPROVED	-	YES
View	31	POD CD	N/A	3	Request/Response for POD Video #2754 (CD Enclosed in file)	YES	HILL, CHANTELLE	DEC-07- 2017 11:59	APPROVED	-	YES
View	32	O.E.M.C. (OEMC) REQUEST/HOLD	N/A	1	REQUEST FOR CFD RADIO TRANSMISSIONS	YES	BROWN, DANITA	MAR-10- 2017 11:25	APPROVED	-	YES
View	33	REPORT (OTHER)	N/A	8	(Response)- CFD Event Queries 163320527/163320529 and Audio CD	YES	HILL, CHANTELLE	DEC-07- 2017 12:35	APPROVED	-	YES
View	34	TO/FROM REPORT	N/A	1	E-Mail to CFD	YES	BROWN, DANITA	MAR-10- 2017 11:28	APPROVED	-	YES
View	35	VIDEO RECORDING	N/A	1	In-Camera Video (Beat 1824)- Original disc in file	YES	HILL, CHANTELLE	DEC-06- 2017 11:28	APPROVED	-	YES
View	36	VIDEO RECORDING	N/A	1	In-Car Camera Video (Beat 112)-Original disc in file	YES	HILL, CHANTELLE	DEC-06- 2017 11:29	APPROVED	-	YES
View	37	VIDEO RECORDING	N/A	1	In-Car Camera Video (Beat 1831)- Original disc in file	YES	HILL, CHANTELLE	DEC-06- 2017 11:30	APPROVED	-	YES
View	38	TO/FROM REPORT	N/A	1	Summary of CFD Audio Transmissions CD	YES	HILL, CHANTELLE	DEC-07- 2017 13:10	APPROVED	-	YES
View	39	REPORT (OTHER)	N/A	2	Statement Outline of CFD/Paramedic ██████	YES	HILL, CHANTELLE	DEC-07- 2017 13:12	APPROVED	-	YES
View	40	ACCUSED NOTIFICATION OF ALLEGATIONS FOR BURKS JR, MAURICE	ACCUSED - BURKS JR, MAURICE	-	-	-	HILL, CHANTELLE	OCT-17- 2017 16:43	PENDING ACCUSED ACKNOWLEDGMENT	-	-
View	41	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	4	Initial Notification of Charges forwarded to District	YES	HILL, CHANTELLE	DEC-07- 2017 13:37	APPROVED	-	YES
View	42	NOTIFICATION OF CHARGES/ALLEGATIONS	N/A	1	Accused, PO Burks #4339 (Revised and Final NOC)	YES	HILL, CHANTELLE	DEC-07- 2017 13:35	APPROVED	-	YES

View	43	ADMINISTRATIVE PROCEEDINGS N/A RIGHTS	N/A	1	PO Burks, #4339	YES	HILL, CHANTELLE	DEC-07-2017 13:38	APPROVED	-	YES
View	44	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	Po Burks, #4339	YES	HILL, CHANTELLE	DEC-07-2017 13:39	APPROVED	-	YES
View	45	AUDIO INTERVIEW	N/A	1	Statement of Accused Officer Burks #4339- Part 1	YES	HILL, CHANTELLE	DEC-07-2017 13:26	APPROVED	-	YES
View	46	AUDIO INTERVIEW	N/A	1	Statement of PO Burks- Part 2	YES	HILL, CHANTELLE	DEC-07-2017 16:35	APPROVED	-	YES
View	47	REQUEST FOR INTERVIEW/STATEMENT/REPORT	N/A	1	Witness Statement of Sgt. Slavin, #807	YES	HILL, CHANTELLE	DEC-07-2017 16:42	APPROVED	-	YES
View	48	WITNESS NOTIFICATION FOR SLAVIN, SCOTT	WITNESS - SLAVIN, SCOTT	-	-	-	HILL, CHANTELLE	NOV-08-2017 15:16	WITNESS ACKNOWLEDGED NOTIFICATION	-	-
View	49	WAIVER OF COUNSEL/REQUEST TO SECURE COUNSEL	N/A	1	-	YES	HILL, CHANTELLE	DEC-07-2017 16:42	APPROVED	-	YES
View	50	AUDIO INTERVIEW	N/A	1	Sgt. Slavin, Statement Part 1	YES	HILL, CHANTELLE	DEC-07-2017 16:49	APPROVED	-	YES
View	51	AUDIO INTERVIEW	N/A	1	Sgt. Slavin Statement- Part 2	YES	HILL, CHANTELLE	DEC-07-2017 16:51	APPROVED	-	YES
View	52	TO/FROM REPORT	N/A	1	Video Summary of OEMC CPD Audio Transmissions	YES	HILL, CHANTELLE	DEC-18-2017 13:07	APPROVED	-	YES
View	53	TO/FROM REPORT	N/A	1	RE: Unrelated POD Video	YES	HILL, CHANTELLE	JAN-04-2018 16:46	APPROVED	-	YES
View	54	INVESTIGATOR CASE LOG	N/A	4	Inv. C. Hill	YES	HILL, CHANTELLE	JAN-17-2018 09:36	APPROVED	-	YES
View	-	SUMMARY REPORT DIGEST	N/A	13	SRD	NO	DOLLAR, BRIAN	JAN-18-2018 10:01	APPROVED	-	YES

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Internal Use Only

No Internal Use Only attachments available.

Print Accused Appeal Forms

No Accused Appeal forms available for this Log No.

Related Incidents☒ **TIP** Related Incidents listed below are for reference only. These may be viewed using the related application search screens.

No Related Incidents associated with this Log No.

Status History☒ **TIP** Every employee included in the Status History is subject to be called for legal or administrative proceedings.

Resulting Status	Status Date/Time	Created By	Position	Employee No.	Assigned/ Detailed Unit	Comments
CLOSED AT C.O.P.A.	05-FEB-2018 16:10	DOMAIN, ALEXANDRA	CLERK 3		113 / -	-
CLOSED/FINAL	05-FEB-2018 16:10	DOMAIN, ALEXANDRA	CLERK 3		113 / -	-
PENDING IMPLEMENT ACTION	02-FEB-2018 15:52	CARTER, ERIC	DEP CHIEF		141 / -	-
PENDING COMMAND CHANNEL REVIEW	25-JAN-2018 16:03	DOSS, DARREN	COMMANDER		141 / -	-
PENDING COMMAND CHANNEL REVIEW	24-JAN-2018 11:24	COSTELLO, ROBERT	SERGEANT OF POLICE		121 / -	-
PENDING ADVOCATE REVIEW	24-JAN-2018 09:34	OLIVER, MELVIN	POLICE OFFICER		007 / 121	-
PENDING REVIEW INCIDENT (I.A.D./DISTRICT USE)	18-JAN-2018 10:59	DOMAIN, ALEXANDRA	CLERK 3		113 / -	-
CLOSED AT C.O.P.A.	18-JAN-2018 10:38	DOMAIN, ALEXANDRA	CLERK 3		113 / -	-
PENDING REVIEW INCIDENT (C.O.P.A. USE ONLY)	18-JAN-2018 10:01	DOLLAR, BRIAN	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	18-JAN-2018 09:30	HUNT, JOSHUA	DEPUTY CHIEF ADMINISTRATOR		113 / -	jh
CLOSED/FINAL	17-JAN-2018 11:34	DOLLAR, BRIAN	SUPERVISING INV COPA		113 / -	-
PENDING INVESTIGATIVE REVIEW	17-JAN-2018 11:20	HILL, CHANTELLE	INVESTIGATOR I COPA		113 / -	-
PENDING INVESTIGATION	02-DEC-	QUERFURTH,	SUPERVISING INV		113 / -	-

	2016 11:30	PATRICK	COPA			
PENDING ASSIGN INVESTIGATOR	01-DEC-2016 16:24	OLVERA, MARIA	SUPERVISING INV COPA		113 / -	Type Changed from INFO to CR on 01-DEC-2016 16:24 by OLVERA, MARIA Affidavit information for this Log Number has changed on 01-DEC-2016 16:24 by OLVERA, MARIA
PENDING ASSIGN TEAM	28-NOV-2016 08:49	QUERFURTH, PATRICK	SUPERVISING INV COPA		113 / -	-
PENDING SUPERVISOR REVIEW	27-NOV-2016 13:25	GOODWIN, JEANNE	INVESTIGATOR 2 COPA		113 / -	-
PRELIMINARY	27-NOV-2016 13:10	GOODWIN, JEANNE	INVESTIGATOR 2 COPA		113 / -	-

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Command Channel Reviewers

Accused Name	Sequence No.	Reviewer
BURKS JR, MAURICE	1	DOSS, DARREN
BURKS JR, MAURICE	2	CARTER, ERIC

row(s) 1 - 2 of 2

SUMMARY REPORT DIGEST

CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

LOG NO

1083164

TYPE

CR

DATE OF REPORT

17-JAN-2018

INSTRUCTIONS: To be used in all cases that are to be classified as either **EXONERATED, UNFOUNDED, NOT SUSTAINED, NO AFFIDAVIT**, or in **SUSTAINED** cases where the Disciplinary Recommendation does not exceed **Five (5) DAYS SUSPENSION**.

TO: ☒ CHIEF ADMINISTRATOR,
CIVILIAN OFFICE OF POLICE ACCOUNTABILITY

☐ CHIEF,
BUREAU OF INTERNAL AFFAIRS

FROM - INVESTIGATOR'S NAME	RANK	STAR NO	EMPLOYEE NO	UNIT ASSIGNED	UNIT DETAILED
HILL, CHANTELE	9183			113	

REFERENCE NOS.(LIST ALL RELATED C.L., C.B., I.R., INVENTORY NOS., ETC., PERTINENT OF THIS INVESTIGATION)

INCIDENT ADDRESS: 499 N. LOWER LAKE SHORE DR, CHICAGO, IL 60611	DATE / TIME: 27-NOV-2016 10:11	BEAT: 1834
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ACCUSED

NAME	RANK	STAR NO	EMP NO	UNIT ASSIGNED	UNIT DETAILED	SEX/RACE	DOB	APPOINTED DATE	ON DUTY?	SWORN ?
BURKS JR, MAURICE	9161	4339		145		M/ BLK		02-MAY-1994	YES	YES

REPORTING PARTY

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
THOMAS		CHICAGO, IL			M / U	/

VICTIMS

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
THOMAS		CHICAGO, IL			M / U	/
		CHICAGO, IL			M / WHI	/

WITNESSES

NAME	ADDRESS*	CITY	STATE	TELEPHONE	SEX / RACE	DOB / AGE
		CHICAGO, IL			M / U	/ 43
SLAVIN, SCOTT	RANK: 9171, STAR NO: 807, EMP NO:				M / WHI	/ 52

* IF CPD MEMBER, LIST RANK, STAR, EMPLOYEE NOS. IN ADDRESS, PAX/BELL IN TELEPHONE BOX.

ALLEGATIONS

See Attached Report

SUMMARY

See Attached Report

ATTACHMENTS

INVESTIGATIVE REPORTS - SUPPORTING ALLEGATIONS LIST ATTACHMENTS NUMBER	INVESTIGATIVE REPORTS - SUPPORTING ACCUSED MEMBERS(S) LIST ATTACHMENTS NUMBER:	PHYSICAL EVIDENCE LIST ATTACHMENTS NUMBERS:	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE:
			53

FINDINGS - RECOMMENDATIONS

Accused: **Officer Maurice Burks, #4339, Unit 145**

Allegation #1: **Exonerated**

Allegations #2 **Not Sustained**

Allegation #3 **Not Sustained**

DATE INITIATED
(Date incident was received for investigation)

02-DEC-2016

DATE COMPLETED (Date of this report)

17-JAN-2018

ELAPSED TIME
(Total time expressed in days)

398

Investigator will initiate the Command Channel Review form by
completing the Investigator's Section.

INVESTIGATOR'S SIGNATURE

SUMMARY OF INCIDENT

On November 27, 2016, at approximately 10:00 a.m., Officer Maurice Burks responded to the scene of a traffic accident near the location of 499 N. Lower Lake Shore Drive (Lower Lake Shore Drive and Illinois Street) involving multiple vehicles and victims. Several members of the Chicago Fire Department were also present at the scene, including the complainant, Battalion Chief [REDACTED]

Shortly after arriving to the scene, Officer Burks approached at least two other members of the Chicago Fire Department before reaching Battalion Chief [REDACTED] to request the relocation of one of their Engines. His requests were denied. Sometime during his conversation with Battalion Chief [REDACTED] a verbal dispute ensued, which turned physical. During the encounter, Officer Burks used his hands to push the upper body of Battalion Chief [REDACTED]. Ultimately, both Officer Burks and Battalion Chief [REDACTED] contacted their respective departments for supervisory assistance. Shortly thereafter, ranking members from both departments arrived. Officer Burks and Battalion Chief had no further incidents.

An initiation report prepared by Sergeant Scott Slavin, #807, identified Chicago Fire Department Firefighter/Paramedic (FF/PM), [REDACTED] and independent witness, [REDACTED] as witnesses.

ALLEGATIONS

On 27 November 2016, Sgt. Scott Slavin, #807, Unit 145, registered a complaint with the Independent Police Review Authority (IPRA)¹ on behalf of complainant, Battalion Chief [REDACTED]

It is alleged that on November 27, 2016, at approximately 10:00 a.m., near the location of 499 N. Lower Lake Shore Drive: **Officer Maurice Burks, #4339:**

1. Made inappropriate contact with Battalion Chief [REDACTED] by using his hands to push the upper body of Chief Carbonneau.
2. Directed profanities toward Battalion Chief [REDACTED]
3. Failed to identify himself to Chicago Fire Department Paramedic, [REDACTED] upon request.

APPLICABLE RULES AND LAWS

Rule 2: Any action or conduct which impedes the Department's efforts to achieve its policies and goals or brings discredit upon the Department.

Rule 8: Disrespect or maltreatment of a person while on duty.

¹ On September 15, 2017, the Civilian Office of Police Accountability (COPA) replaced IPRA as the civilian oversight agency of the Chicago Police Department. Thus, this investigation, which began under IPRA, was transferred to COPA on September 15, 2017, and the recommendations set forth herein are the recommendations of COPA.

Rule 9: Engaging in any unjustified verbal or physical altercation with any person, while on or off duty.

General Order: 03-02- Use of force Guidelines

INVESTIGATION

An **Initiation Report** submitted to IPRA by **Sergeant Scott Slavin, #807** on behalf of complainant, Chicago Fire Department (CFD) Battalion Chief [REDACTED] ("BC [REDACTED] or "the BC"), documents a verbal and physical dispute occurred between the BC and Chicago Police Officer Maurice Burks, Star#4339 while on scene at a traffic accident. In short, BC [REDACTED] told Sgt. Slavin that Officer Burks directed profanities at him and pushed him.

Officer Burks stated, on the other hand, that BC [REDACTED] "Got in his face," and proceeded to intentionally chest bump him. He admitted that he brushed the BC back by pushing him away with his hands. Additionally, Sgt. Slavin's Initiation Report identified Firefighter/Paramedic (FF/PM) [REDACTED] and civilian [REDACTED] as witnesses. (Att. 3)

INTERVIEWS

In an **interview with IPRA** on November 30, 2016, **Complainant Battalion Chief** [REDACTED] of the Chicago Fire Department (CFD), reported that on November 27, 2016, he was involved in a physical and verbal dispute with Officer Burks on the scene of pin-in traffic accident² involving multiple vehicles near the location of 499 N. Lower Lake Shore Drive, Chicago, IL. The dispute arose from Officer Burks' request for CFD to remove their vehicles so that they would no longer obstruct traffic. He described the scene as chaotic with department tools, water lines, fluids from vehicles, inoperable vehicles, CFD vehicles, and ambulances on scene.

Upon arrival, BC [REDACTED] observed Officer Burks and FF/PM [REDACTED] engaged in conversation. [REDACTED] called him over and told him that Officer Burks wanted the trucks moved out of the intersection. After identifying himself as the incident Commander on scene, BC [REDACTED] informed Officer Burks that the vehicles could not be moved at that time. As a result, Officer Burks became verbally abusive towards him and during the conversation he used words to the effect of "Get the fuck out of my face!" and "I'll lock your ass up!" He relayed that Officer Burks became physically aggressive and pushed him in his chest with two open hands. At that point, he walked away and called CFD Deputy Chief Tim Walsh and waited for his arrival. No further incident occurred between the BC and Officer Burks. In addition, he confirmed that several supervisory members of the CPD arrived on the scene after the incident occurred. To his knowledge, the incident was documented in a CFD incident case report and reported to the Independent Police Review Authority (IPRA) via the Chicago Police Department. (Att. 13,14)

² A pin-in traffic accident is one where an occupant of one of the vehicles requires assistance in being extracted from the wreckage.

In an **interview with IPRA** on December 20, 2016, **independent witness** [REDACTED] a bus driver with Regal Coach Lines, reported that on November 27, 2016, near the intersection of Illinois and Lower Lake Shore Drive, he witnessed the encounter between BC [REDACTED] and Officer Burks. After dropping off passengers at a nearby event held at the McCormick Convention Center, he approached the scene of a traffic accident. He described the scene as chaotic with victims and their vehicles, debris, water lines, CFD vehicles, several CFD members, and other City of Chicago employees present. Because the flow of traffic had stopped and other drivers were becoming impatient, Mr. [REDACTED] decided to offer assistance to the fire department with traffic control by positioning his bus in the middle of the street.

After positioning his vehicle, Mr. [REDACTED] exited the coach and proceeded to the back of the bus. He then approached a male black uniformed CPD officer, wearing a coat and hat, with a gray beard and a tall/slender build, later identified as Officer Burks. Officer Burks stopped him and instructed him to return to his bus. As they both headed back to the front of the bus, he observed Officer Burks; who was ahead of him engaging in a conversation with a male white uniformed Fireman, short with a thick build, later identified as Battalion Chief [REDACTED]. Back on the bus, Mr. [REDACTED] watched their interaction through his window. Although he could not hear the conversation between the two, he observed the BC walk toward Officer Burks and chest bump him. In response, Officer Burks pushed the BC with both hands, making contact with his upper body. Now, Mr. [REDACTED] opened the side window of the bus to hear what was being said. During this time, he stated the BC rushed toward Officer Burks while hitting his chest and yelling, "This is my city!" several times. The other CFD member who was present the entire time, later identified as [REDACTED] stepped in between the two and physically removed the Battalion Chief from Officer Burks. Mr. [REDACTED] stated that he observed no further incident and both parties began speaking into their radios.

Additionally, Mr. [REDACTED] denied hearing any profanities from the time he opened his window through the end of incident. However, he added that neither party should have behaved in such a manner due to their professions. He denied having any previous relationship or familiarity with Officer Burks. (Att. 21, 22)

In an **interview with IPRA** on January 5, 2017, **Chicago Fire Department (CFD) Firefighter/Paramedic**, [REDACTED] acknowledged that he witnessed the encounter between Battalion Chief [REDACTED] and Officer Burks while on the scene of a pin-in traffic accident near the intersection of Illinois and Lower Lake Shore Drive, Chicago, IL. On the date of incident, he was assigned to CFD Firehouse- Engine 98. Upon arrival to the scene, his responsibility was to prepare victim refusal forms for involved individuals who refused medical attention. While standing near CFD Engine 98, he initially observed a CPD officer, later identified as Officer Burks. He could overhear a portion of a conversation between Officer Burks and the Engineer of Fire Engine 98 regarding moving the "Rig" out of the way out of traffic. Although the Engineer denied the request, [REDACTED] described a cordial conversation between the two and the Officer walked off.

After walking away from the Engineer, Officer Burks approached [REDACTED] and presented him with the same request. He essentially reiterated the Engineer's response to Officer Burks and provided additional factors as to why the vehicles could not be moved. But this time Officer Burks appeared agitated and had

an obvious change in his tone of voice. In response, Officer Burks said something to the effect of; "I'll worry about the people, you worry about just moving the Rigs." After [REDACTED] denied his request once again, Officer Burks referenced that he would soon be making arrests. It was obvious to him that the Officer was angry. At this time, the BC approached and stated words to the effect of, "Who's going to be arrested?" After a few moments, the two were engaged in a loud and aggressive verbal exchange regarding who was in charge of the scene. According to [REDACTED] both parties were equally loud, confrontational, and aggressive as they stood close to one another and the only thing that made Officer Burks stand out from BC [REDACTED] was the physical contact initiated by the Officer.

[REDACTED] relayed that the two were face-to-face and were so close that their coats may have touched. Shortly thereafter, the shouting match transitioned to a physical altercation. Officer Burks stated words to the effect of "Get the fuck out of my face" as he pushed the BC with both hands in his upper body area (chest/shoulder). He also pointed out that, because the two were so close, Officer Burks was unable to extend his arms but did make enough contact to cause the BC to reposition himself.

The dispute ended without further incident and both parties spoke into their radios to call Supervisory assistance. Last, [REDACTED] alleged that when the incident was over and he was completing the required CFD reports, Officer Burks refused to identify himself when asked and proceeded to cover his badge with his hand. (Att. 27, 39)

In an **interview with the Civilian Office of Police Accountability (COPA)** on October 24, 2017, **Officer Maurice Burks, Star #4339** acknowledged that he responded to the scene of a traffic accident near the intersection of Illinois and Lower Lake Shore Drive. Upon arrival, Officer Burks stated that he observed two fire engines, a tow truck, the three cars involved in the traffic accident, the victims, and ambulances. Officer Burks has been assigned to the Unit 145, Traffic Division since 1999 and, based on his experience in responding to 500 or more traffic accidents, he believed the accident to be minor with minimal damages to the vehicles. He further stated that a typical response in the case of an accident requiring a "wash down" for visible fluids and liquids, he would contact the City of Chicago Streets and Sanitation department to bring sand to the scene. Here, however, Officer Burks did not need to make a request for any such materials because he did not observe any [fluids requiring removal] on the scene while present.

After conducting his observation of the scene, Officer Burks asked a CFD member (No.1, Engineer of CFD Truck Engine 98) if he would move one of the trucks that was blocking the flow of traffic. The member seemed not to have a problem with moving the vehicle but another CFD member ([REDACTED]) appeared and informed him that the truck would not be moved. Shortly thereafter, he noticed a Battalion Chief (BC) arrive on scene driving a CFD vehicle with "Battalion Chief" insignia on the vehicle. Officer Burks stated that, as he approached the BC, his attention was re-directed toward [REDACTED] who was walking past speaking loudly. As Burks began to walk towards [REDACTED] the BC walked into Officer Burks' path, stepped in front of him, and intentionally chest-bumped Burks. Officer Burks stated that this action startled him and at that time believed that a battery was being committed against him. As the BC continuously bumped him about his body, Officer Burks stated that he did not know what his intentions were so he pushed

him with both hands to create distance between them. However, the BC was so close to him that he could not fully extend his arms.

Officer Burks stated that was not trying to hurt BC [REDACTED] but believed that the BC had committed a battery against him and therefore, he wanted to make an arrest. After he pushed the BC, both parties separated and Officer Burks radioed for officer assistance, stating that an arrest was to be made.

Supervisors from CPD and CFD arrived on scene, including Officer Burks' superior, Sergeant Slavin. Burks told Slavin that he wanted to arrest and file a complaint against the BC. However, Officer Burks insisted that Sgt. Slavin discouraged him from filing a complaint with CFD regarding the BC's behavior and informed Burks that CFD would not pursue anything further.³ Thus, the BC was neither arrested nor the subject of a complaint. During his statement, Officer Burks confirmed that he had not spoken to or been in contact with anyone from CFD regarding this incident.

Officer Burks denied using or directing any profanities at BC [REDACTED] and that anyone requested for him to identify himself. He further stated that, on the date of incident, he was in full CPD uniform with name and/or star number visible to the public. (Att. 45, 46)

In an **interview with the Civilian Office of Police Accountability (COPA)** on November 28, 2017, **Sergeant Scott Slavin, Star #807** acknowledged that he responded to the traffic accident on November 27, 2016, after a request for a supervisor. Prior to arrival, he heard radio traffic that mentioned an officer may be having problems at the scene. Upon arrival, at least two other CPD Sergeants were on scene but had not spoken with anyone. Sgt. Slavin soon took the lead since he was from the traffic unit and collected both Officer Burks' and BC [REDACTED] accounts of the incident. Both confirmed that the dispute arose from a conversation about moving CFD vehicles to clear the traffic path. However, their accounts were conflicting. BC [REDACTED] informed him that Officer Burks was verbally abusive in that he told him to "Get the fuck out of here or I'm going to lock you up" and then proceeded to push him. On the other hand, Officer Burks stated that BC [REDACTED] pushed him with his chest and that he wanted the BC arrested. Based on his preliminary investigation conducted while on-scene, Sgt. Slavin did not believe that the BC's bump to Officer Burks was intentional. Further, given the conflicting accounts from the parties and provided by the BC and FF/PM [REDACTED] Sgt. Slavin did not have sufficient evidence to justify an arrest.

Sergeant Slavin denied having any conversations with Officer Burks regarding filing a complaint with the CFD against BC [REDACTED] He also denied discouraging Officer Burks from initiating a complaint. Slavin also stated that it was not his duty to do initiate a complaint with CFD on behalf of Officer Burks. However, he did discuss the incident with the on-scene CFD Deputy Chief, and he considered that conversation as a notification to CFD of BC [REDACTED] involvement in the incident with

³ It was the R/I's understanding from Officer Burks' interview that he understood this to mean that CFD members would not file a complaint against him based on the actions described herein. Nevertheless, Sgt. Slavin did file the Initiation Report that triggered this investigation.

Burks. Moreover, based on his discussion with the BC and the Deputy Chief, he understood that they only wanted the incident documented and said they did not plan to pursue the incident any further. (Att. 50, 51)

DEPARTMENTAL RECORDS

The **Illinois Traffic Crash Report**, documented under RD#HZ530645 and Event #1633203866 is associated with the traffic accident which occurred on November 27, 2016, near the intersection of Lower Lake Shore Drive and Illinois Street. The report describes three vehicles involved in the accident. Additionally noted, was one victim refusal for medical treatment with two other involved victims transported to Northwestern Hospital by Chicago Fire Department paramedics. (Att. 4)

Office of Emergency Management and Communications (OEMC) Audio CD and event queries recorded under Chicago Fire Department (CFD) Event #'s 163320527 and 163320529 contain several 911 telephone calls initiated by private citizens notifying CFD of a traffic accident near the vicinity of Lake Shore Drive and Illinois Street on November 27, 2017. They also provide audio transmissions between CFD members and dispatch. The related documents correlate with the provided audio CD. (Att. 5-6, 33, 38)

Additional records retrieved from the OEMC and documented under Chicago Police Department (CPD) Event queries #1633203871, #1633203872, #16332004063, and #1633203866, essentially revealed the same information as documented under the CFD queries. However, the CPD records included Officer Burks' transmissions requesting assistance, a supervisor, and mentioning locking up a fire Chief. (Att. 7-10, 30)

Chicago Fire Department (CFD), Incident Case Report documented the confrontation between BC [REDACTED] and Officer Maurice Burks. In his written statement, BC [REDACTED] reported that he noticed Officer Burks speaking with Paramedic [REDACTED] and insisting that CFD move their fire trucks ("rigs") so he could allow traffic to get by. Mr. [REDACTED] explained to him that he could not move the "rigs" for safety reasons and denied his request. BC [REDACTED] approached the two and reiterated what Mr. [REDACTED] stated. Officer Burks responded by telling him to "Get the fuck out of his face," pushed him with both hands in his chest, and told him he would be locked up. BC [REDACTED] stated that he and the Officer had words about who was in charge of the scene. Deputy District Chief Timothy Walsh, #221 was requested to respond to the scene, after which there was no further incident.

The witness statements of Firefighter/Paramedic [REDACTED] #18745 and Paramedic Jaime Quezada, #18890 supplemented the CFD Incident Case Report. In his statement to CFD, [REDACTED] stated he observed Officer Burks speaking with the engineer of Engine 98, requesting that he move the fire trucks out of the way of traffic. After his request was refused, Officer Burks then approached [REDACTED] who also denied his request. At this time, Officer Burks became angry and stated he was going to arrest people. BC [REDACTED] approached and stepped between [REDACTED] and Officer Burks and, at that time, Burks and [REDACTED] began to argue. During this time, however, [REDACTED] observed Officer Burks push the Battalion Chief with both hands at his chest. No further incident occurred between the two. However, [REDACTED] stated

that Officer Burks refused to identify himself upon request and instead “covered up his information and walked away.”

Paramedic Quezada was unable to provide any details related to the incident due to his distance from the incident. (Att.28)

In-Car Camera video (ICC) of the vehicle assigned to Beats 112, 1824, and 1831 on November 27, 2017, during the time of the traffic accident does not capture footage related to the incident at hand. However, it does show several City of Chicago employees including members of CPD and CFD on the scene of a traffic accident. Additionally, footage retrieved from Beat 1824 provides a view of the unit facing CFD Engine 98 and a display of a coach bus with Regal Coach Lines signage on scene. (Att. 24, 35-37)

Submitted by



CH 66

Investigator, Chantelle Hill, 66#

Approved by



Supervising Investigator, Brian Dollar #14

ANALYSIS:

The burden of proof COPA must reach for a finding on each allegation is the preponderance of the evidence standard.

Allegation 1: Officer Burks pushed Battalion Chief [REDACTED] on the scene of a traffic accident.

COPA recommends a finding of **Exonerated** regarding **Allegation #1 against Officer Maurice Burks, Star #4339** in that he pushed Chicago Fire Department Battalion Chief [REDACTED] (BC [REDACTED]) while on the scene of a traffic accident. In accordance with Department Policy documented under General Order 03-02-Use of Force Guidelines states, *"a member will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury."* In this case, COPA finds that Officer Burks's conduct was reasonable based on the totality of the circumstances.

There is no question that Officer Burks pushed BC [REDACTED] -- Officer Burks admitted to the allegation. However, he provided a reasonable and justifiable explanation for responding in a physical manner during this encounter. After interviewing all parties relative to this investigation, the R/I found that the evidence provided an overall picture of the various dynamics leading to the physical encounter that justified Officer Burks' action.

All parties agree that BC [REDACTED] and Officer Burks engaged in a verbal altercation while on the scene of a traffic accident and that, during this encounter, Officer Burks pushed the BC. During BC [REDACTED] interview, he stated that he noticed Officer Burks speaking with CFD member [REDACTED] and later joined the conversation after [REDACTED] called him over. [REDACTED] informed him that Officer Burks wanted him to move the Fire Engine out of the way of traffic. BC [REDACTED] attempted to explain to Officer Burks why he could not fulfill the request. However, Burks disregarded him and continued his discussion with [REDACTED]. As BC [REDACTED] admitted, *"I walked in front of him and said hey, we're not moving the fire engine."* When asked why he walked between Burks and [REDACTED] his response was *"Because I was in charge and there was no reason for him [Officer Burks] to talk to the medic anymore."* He confirmed that he approached Officer Burks and walked into his path after the Officer had walked away from him. The general tone received by the R/I was that BC [REDACTED] felt some form of disrespect by the Officer.

During Officer Burks' interview, he stated that he was startled when the BC approached him. He conveyed that the BC walked directly up to him, stood in his face, and intentionally chest bumped him. According to Burks, he believed that he was in threat of receiving a battery, which became a reality when the BC continuously bumped him with his body. Burks explained that the BC's actions led him to react in a physical manner by using his hands to push the BC away from him. Burks asserted that his intent in pushing the BC was to create distance between the two. Although he admitted to the physical reaction, he added that the two were so close that he was unable to extend his arms and that the BC barely repositioned himself. Subsequently, he stated that he was not trying to hurt the BC and his intent was to create space

and to protect himself from what he believed to be an imminent battery by the BC. This interaction was, according to Burks, the reason he later requested the arrest of the BC.

Although some details differ, the statements taken from the interview of witnesses [REDACTED] and [REDACTED] provided similar, unbiased accounts. Again, there is no question that BC [REDACTED] approached Officer Burks right before the verbal dispute occurred and at some point, they stood face-to-face. Just as Officer Burks relayed, [REDACTED] said that right before the “push” they were so close to one another that it was possible that their chests may have touched. [REDACTED] and [REDACTED] both stated that a large part of the verbal dispute regarded whose scene it was. [REDACTED] relayed that both voices were elevated as they stood face-to-face, yelling at each other: “This is my scene!” In [REDACTED] words, they were both “trying to make a point.” Again, the BC admitted that this shouting was a large part of their dispute.

Likewise, both witnesses asserted that the BC and Officer Burks were so close to each other that when Burks did push the BC he was unable to fully extend his arms. [REDACTED] added that Officer Burks did not even have to reach out to touch the BC because they were so close. At some point during the encounter [REDACTED] heard Officer Burks mention the word arrest.

The only evidence in this investigation was the statements of the parties and witnesses, which described how two City of Chicago employees from partnering agencies had a heated conversation that led to an aggressive, confrontational, and physical encounter. Given the above factors, it appears that both parties contributed to the altercation. Due to the nature of the conversation, the heightened tension, and physical contact alleged by both parties, a preponderance of the evidence supports Officer Burks’ explanation and his actions are considered reasonable. Given the same set of circumstances, it is possible that a civilian may have been arrested for battery if he had comported himself like Chief [REDACTED] In this case, that did not happen and fortunately the incident did not escalate further. Accordingly, COPA recommends a finding of **Exonerated**.

Allegation 2: Officer Burks directed profanities toward BC [REDACTED]

Based on the evidence gathered here, COPA is unable to determine if Officer Maurice Burks, Star #4339 directed profanities towards CFD Battalion Chief [REDACTED] Therefore, COPA recommends a finding of **Not Sustained** regarding **Allegation #2 against Officer Burks**. Although all interviewed parties acknowledged that a verbal dispute did occur, the uncertainty of the exact language used between Officer Burks and BC [REDACTED] does not allow for a conclusive determination of whether profanity was used. Given that, Officer Burks also denied the allegation. Because of the lack of audio/video evidence or other unrelated third-party witnesses to the incident, it cannot be determined by a preponderance of the evidence that the use of profanities occurred as alleged. Thus, COPA is unable to prove or disprove the allegation and, for the reasons stated above, COPA recommends a finding of **Not Sustained**.

Allegation 3: Officer Burks refused to identify himself to CFD Paramedic [REDACTED] upon request.

COPA was unable to determine if Officer Maurice Burks, Star #4339 refused to identify himself upon the request of CFD Firefighter/ Paramedic [REDACTED]. Accordingly, COPA recommends a finding of **Not Sustained** regarding **Allegation #3 against Officer Burks**.

In his interview, Officer Burks denied the allegation and added that there was no need for such a request because he was in full uniform and his last name and/or badge number was clearly visible on his CPD coat, vest, and hat. Burks further added that he was never asked to identify himself. All interviewed parties corroborate Burks' recollection, confirming that he was dressed as he described, *i.e.* in full CPD uniform. Moreover, Officer Burks and Sergeant Slavin provided identical descriptions of CPD uniforms in that, when normally worn, the officer's name and badge number are clearly visible.

Although BC [REDACTED] mentioned in his interview that Officer Burks refused to identify himself to [REDACTED] he acknowledged that he did not witness this refusal and was only relaying what [REDACTED] told him. Thus, [REDACTED] and Burks gave conflicting accounts as to this allegation and there is no witness testimony that corroborates or discredits either account. Again, because of the lack of independent evidence (audio/video of the encounter) or other unrelated third-party witnesses to the incident, it cannot be determined by a preponderance of the evidence that the misconduct occurred as alleged. Due to the lack of evidence to either prove or disprove the allegation, COPA recommends a finding of **Not Sustained**.

CONCLUSION

COPA recommends the finding of **Exonerated** for Allegation 1 against Officer Maurice Burks #4339, in that on November 27, 2016, he pushed the upper body of Chicago Fire Department Battalion Chief [REDACTED] on the scene of a traffic accident.

COPA recommends the findings of **Not Sustained** for Allegations 2 and 3 against Officer Maurice Burks #4339, in that on November 27, 2016, he directed profanities towards Chicago Fire Department Battalion Chief [REDACTED] and refused to identify himself to Chicago Fire Department Firefighter/Paramedic [REDACTED].

[REDACTED]
Joshua Hunt #5
Deputy Chief Administrator, COPA

FINDINGS

Accused: **Officer Maurice Burks, #4339, Unit 145**

Allegation #1: **Exonerated** - Officer Burks pushed the upper body of Chicago Fire Department Battalion Chief [REDACTED] while on the scene of a traffic accident

Allegations #2 **Not Sustained** - Officer Burks directed profanities towards Chicago Fire Department Battalion Chief [REDACTED]

Allegation #3 **Not Sustained** - Officer Burks refused to identify himself upon the request of Chicago Fire Department Firefighter/ Paramedic [REDACTED]